

STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

---

ON-SITE SYSTEMS ADVISORY BOARD  
89 Kings Highway, Dover, DE 19901  
(302) 739-9948

---

**Monthly Meeting Minutes**  
*For August 6, 2014*

**Members Present:** Byron Jefferson, Lāf Erickson, Andrew Whitman for Dave Schepens, Ken Walsh, Paul Hufschmidt, Gerry Desmond, Matt Brill, Ben Miller

**Also Present:** DNREC staff: Roy Heineman, Dawn Dryden, Scott Eichholz, Jason Baumgartner; Josh Stallings (Class D applicant)

- ❖ Meeting began at 9:18 a.m.
- ❖ Gerry made a motion to accept the amended agenda items; Ken seconded, all approved.
- ❖ July 2, 2014 Meeting Minutes reviewed; Ken made a motion to approve; Paul seconded, all approved.
- ❖ License Applications:

| <b><i>Applicant Name</i></b> | <b><i>License Type</i></b> | <b><i>Approved</i></b> | <b><i>Denied</i></b> | <b><i>Motion By</i></b> | <b><i>2<sup>nd</sup> By</i></b> | <b><i>All In Agreement</i></b> |
|------------------------------|----------------------------|------------------------|----------------------|-------------------------|---------------------------------|--------------------------------|
| Matthew Josh Stallings       | D.1                        |                        | X*                   | Ken                     | Gerry                           | X                              |
| Robert Donaway               | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Rafael Encarnacion           | F                          | X                      |                      | Paul                    | Andy                            | X**                            |
| Jamie Perez                  | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Charles Hobbs                | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| John Shirley                 | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Brian Hawkins                | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Dwain Addison                | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Charles Slack                | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Zachary McCalicher           | F                          | X                      |                      | Paul                    | Andy                            | X                              |
| Kelvin Guzman                | F                          | X                      |                      | Paul                    | Andy                            | X                              |

\* Needs additional information, Motion made by Ken, seconded by Paul to allow Lāf to review additional requested information and approve if satisfactory, all agreed


\*\* Gerry abstained from the vote

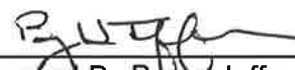
- ❖ Continuing Education Training:
  - ◆ Harold Kelly (Class D #4529: SSSA & ASA Summary - *Approved 10 hours*
  - ◆ Ronald Gray, PE (Class C # 4012): DRWA Chlorinator Systems and Chemical Handling (Online Training Courses) - Vote: 5 agreed, 3 opposed; *Approved 10 hours*

- ❖ Mike Megill (Class E,F,H # 4236) - Mr. Megill entered meeting at 9:45 am; All members introduced; Byron read two (2) Manager's Warnings sent to Mr. Megill; Byron explained that Mr. Megill is required to complete a full inspection not a partial Class H inspection; Scott explained that Mr. Megill changed the date on an old inspection; Gerry explained that a new inspection must be completed and submitted for each inspection and that he cannot make changes and resubmit Class H inspection reports; Ken agreed that changes cannot be made for an inspection and that an inspection is required; Scott explained that he had been contacted by a broker in reference to a Class H inspection which Mr. Megill had performed which was not submitted; After an investigation, Scott learned that a previous inspection had been performed on the same property in 2012 by Service Energy which the system had been failed; Scott also determined that another Class H Inspection had been submitted by Weaver's Sanitation in 2014 which was also failed; Mr. Megill provided a "Satisfactory" Class H inspection report however did not submit to GWDS; Ken explained that he believes Mr. Megill deceitfully made changes to an existing report to provide to real estate agent/broker; Mr. Megill stated that he does not agree; Scott addressed the second manager's warning about a failed system with an approved Class H inspection performed by Mr. Megill; Scott read an email that he received from broker/agent which was from Mr. Megill stating that "if he wanted the report submitted to DNREC then have owner sign, if not sign and send it to the broker"; Scott explained this is not acceptable and all Class H inspections must be submitted within seventy two (72) hours; Mr. Megill responded that he was not able to obtain an owners signature and also stated that his wife generally sends emails on his behalf; Byron explained that he is responsible for his Class H license and Class H inspection which must be submitted within seventy two (72) hours regardless of owner signature; Matt asked Andy what action GWDS would like to request; Andy responded a possible suspension of Mr. Megill's Class H license; Paul explained that he believes Mr. Megill gave a big dis-service to the new buyers for not doing inspection after two years; Ken asked Mr. Megill if there were any other reports which he may have provided to a realtor/broker that were not submitted to DNREC; Mr. Megill responded, "to the best of his knowledge, no"; Mr. Megill explained that he believes three years is too long of time for an approved Class H inspection; Ken stated that he supports a possible suspension or revocation of Mr. Megill's Class H license; Ben explained that he doesn't believe Mr. Megill is knowledgeable of the current regulations and has concerns of Mr. Megill holding a Class H license to perform inspections; Lāf explained he supports a thirty (30) day suspension of Mr. Megill's Class H license; Matt explained to Mr. Megill as a Class H licensee it is his duty to represent the DNREC and stated that the public must have confidence that the Class H inspection program works and protects the property owners of the state; Matt referenced 4.14.2 of the Regulations stating *"The Secretary may deny, suspend or revoke the license of a Class A,B,C,D,E,F,H or I licensee after considering the recommendations of the Board and demonstration that the licensee has practiced fraud or deception; that reasonable care, judgment, or the application of their knowledge or ability was not used in performance of their duties; or that the licensee is incompetent or unable to perform their duties properly, and: 4.14.2.1 Violated any provision of these Regulations; 4.14.2.2 Violated any lawful order or rule rendered or adopted by the Department; 4.14.2.3 Obtained his/her license or any order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material fact's"*; Matt also stated he supports suspension should the motion be made; Gerry explained he supports a thirty (30) suspension of Mr. Megill's Class H license to allow Mr. Megill to review the current regulations; Gerry stated that he believes Mr. Megill provided a dis-service to owners as well as fellow Class H licensees; Byron explained the majority of the OSSAB supports a thirty (30) day suspension as well as requesting Mr. Megill to submit any other Class H inspections which he has performed and failed to submit to GWDS; Andy stated that he is concerned thirty (30) days isn't adequate and is concerned there may be more reports presented; Ken made a motion to suspend Mr. Megill's Class H license for thirty (30) days, noting that Mr. Megill has thirty (30) days from the date of this meeting to submit any other Class H inspection reports which he performed without submitting to GWDS, and contingent upon no other similar reports surfacing after the 30 day suspension which would result in further action, possible

recommendation of revocation of Mr. Megill's Class H license, Paul seconded, all agreed; Mr. Megill left meeting at 11:15; Dawn will prepare a chrono summary and forward to Roy.

- ❖ Letter from property owner (Schott) - Byron read letter send to Mr. David Austin from Wilmer Schott; Ken explained this is a disagreement between two (2) parties and is not an OSSAB matter; Roy explained there is no licensing/regulatory issue and at this point would be a civil matter; Lāf made a motion to send a response letter to owner from OSSAB, Matt seconded, all agreed.
- ❖ Enforcement / Compliance:
  - Andy discussed Manager's Warnings and Enforcement Issues:
    - Hans Scheing (Class B, E, H #4599) – Discrepancies with Class H Inspection; Andy will prepare chrono for review at next meeting
- ❖ Next scheduled meeting on September 3, 2014
- ❖ Meeting adjourned at 11:35 a.m.

  
Prepared By Dawn Dryden

  
Approved By Byron Jefferson

